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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ROBERT CASEY, an individual.  
Plaintiffs,  
v.  
CITY OF SANTA ROSA, et al.  
.

) Case No.: 4:18-cv-07731-KAW  
)  
) STIPULATION AND [PROPOSED]  
) ORDER FOR LEAVE TO AMEND  
) PLAINTIFF'S SECOND AMENDED  
) COMPLAINT  
)  
) **AS MODIFIED**  
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1 IT IS HEREBY STIPULATED, and respectfully requested, by and between Plaintiff and  
2 Defendant by and through their designated counsel, that:

3 WHEREAS, Plaintiff filed his Complaint on December 26, 2018. **Dckt #1.**

4 WHEREAS, Defendant answered on February 4, 2019. **Dckt #4.**

5 WHEREAS, Plaintiff filed his First Amended Complaint as a matter of right on February  
6 21, 2019. **Dckt #12.**

7 WHEREAS, Plaintiff on or about February 28, 2019, Plaintiff learned that there was  
8 reason to believe that Defendant Schmidt was not a Santa Rosa City employee but a Sonoma  
9 County employee.

10 WHEREAS, Plaintiff intends to amend his Second Amended Complaint to correct the  
11 mistake of naming Schmidt as a City Employee rather than County employee and include  
12 Sonoma County as a Defendant.

13 WHEREAS, the parties agree and stipulate to allowing Plaintiff leave to amend his  
14 complaint.

15 WHEREAS, for the aforementioned reasons, there exists good cause to amend the  
16 Complaint to name the deputy and County involved as Defendants.

17 Therefore, all parties stipulate and respectfully request the Court permit Plaintiff to file a  
18 Second Amended Complaint to correct the mistake of Defendant Schmidt's employee, and  
19 include the County.

20 Further, the parties respectfully request that the Court vacate the present Case  
21 Management Conference date to permit all the parties to make an appearance and participate in  
22 the reciprocal Initial Disclosures and prepare a Joint Case Management Statement.

23 IT IS SO AGREED.

24 Dated: March 21, 2019

25 **Law Offices of John L. Burris**

26 /s/ Patrick M. Buelna

27 Patrick Buelna  
28 Attorneys for Plaintiff

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1 Dated: March 21, 2019

**City of Santa Rosa**

2 /s/ **John J. Fritsch**

3 John Fritsch  
Attorneys for Defendants

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5 **ORDER AS MODIFIED**

6 Per the stipulation of the parties, Plaintiff is granted leave to amend the complaint, and  
7 shall file the second amended complaint within 14 days of this order.

8 Additionally, the April 9, 2019 case management conference is continued to July 9, 2019.  
9 The joint case management statement is due by July 2, 2019.

10 IT IS SO ORDERED.

11 DATE: March 22, 2019

12   
13 HONORABLE KANDIS A. WESTMORE  
U.S. MAGISTRATE JUDGE